IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

WP(C).No. 21709 of 2007(H)

PETITIONER:

MUHAMMED,
S/O. KOZHIPURATH KUNHIMOIDEEN KUTTY,
KARATHOOR DESOM, THIRUNAVAYA AMSOM, TIRUR TALUK.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENTS:
---

1. DEPUTY SUPERINTENDENT OF POLICE,
TIRUR POLICE STATION, TIRUR.

2. SUB INSPECTOR OF POLICE,
TIRUR POLICE STATION, TIRUR.

3. MOIDEENKUTTY, S/O.VATTAPARAMBIL KUNHALI,
KARATHOOR DESOM, THIRUNAVAYA AMSOM, TIRUR TALUK.

4. KUNHALI, S/O. MOIDEENKUTTY,
KARATHOOR DESOM, THIRUNAVAYA AMSOM, TIRUR TALUK.

R1 & R2 BY G.P. SHRI P.A. SALIM
R3 & R4 BY ADV. SRI.K.RAMAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1-TRUE COPY OF THE JUDGMENT DATED 5.4.2006 IN SA 929/92 OF THIS COURT

EXT.P2-TRUE COPY OF THE JUDGMENT DATED 28.11.06 IN WPC 30698/06 OF THIS COURT

// TRUE COPY //

P.S. TO JUDGE

K. Balakrishnan Nair &
T.R. Ramachandran Nair, JJ.

- -

W.P.(C).NO.21709 of 2007-H

- -

Dated this the 27th day of September, 2007

JUDGMENT

Balakrishnan Nair J.

The petitioner has approached this court seeking a direction to respondents 1 and 2 to provide adequate police protection to the life and property belonging to him, as decreed in Ext.P1 judgment of the civil court. According to him, when he tried to enter the property covered by Ext.P1, respondents 3 and 4 are obstructing. If Ext.P1 judgment of the civil court and the consequential decree is not obeyed by the parties thereto, the petitioner has to move the execution court. No statute in India empowers the police to execute the decree of a civil court. The police, therefore, cannot be conferred with jurisdiction to execute the decree of a civil court, by this court under Article 226 of the Constitution of India . The civil court has necessary powers to address the police also to assist the petitioner in case illegal obstruction is caused by anybody. In view of the efficacious remedy available to the petitioner, we feel that this writ petition need not be entertained.

2. Learned counsel for respondents 3 and 4 submits that they have no

intention whatsoever to physically harm the petitioner. The above submission is recorded and writ petition is closed without prejudice to the contentions of the petitioner and his right to move other forums for appropriate reliefs.

(K. Balakrishnan Nair, Judge.)

(T.R. Ramachandran Nair, Judge.)

kav/